

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHNNIE COOKS,

Plaintiff,

-against-

9:07-CV-00765
(LEK/DRH)

S.P. DELPIANO, Former Dental Director, Auburn
Correctional Facility, NANCY RYERSON, Nurse
Administrator, Auburn Correctional Facility, and
JOHN DOE, Dentist,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on August 12, 2008 by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 21). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff Johnnie Cooks, which were filed on August 19, 2008. Objections (Dkt. No. 22).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Id. This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 21) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

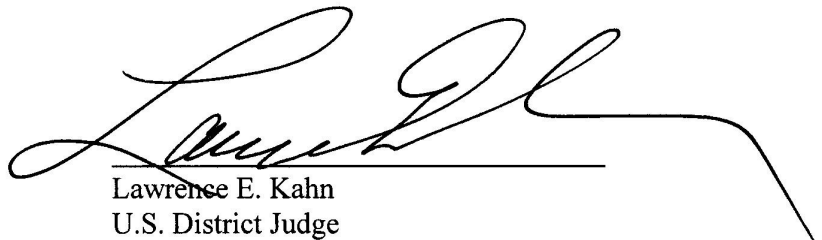
ORDERED, that Defendants' Motion to dismiss (Dkt. No. 14) is **GRANTED** and the Complaint (Dkt. No. 1) is **DISMISSED** in its entirety as to Defendant Delpiano and Defendant Ryerson; and it is further

ORDERED, that the Complaint (Dkt. No. 1) is **DISMISSED** as to Defendant John Doe without prejudice pursuant to Fed. R. Civ. P. 4(m) and N.D.N.Y.L.R. 4.1(b); and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 10, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge